

United States Courts
Southern District of Texas
FILED

OCT 4 - 2010

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Marco Antonio ZUNIGA
Luby Janet LUNA
Maricela SALINAS-Reed
Alberto QUINTERO
Evadio Alejandro ZUNIGA

Case Number: C-10-1015M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 10/3/2010 in Brooks County, in the
(Date)

Southern District of Texas, the defendant(s)

Marco Antonio ZUNIGA
Luby Janet LUNA
Maricela SALINAS-Reed
Alberto QUINTERO
Evadio Alejandro ZUNIGA

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of ICE Special Agent

Dale McNeal

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Dale McNeal
Signature of Complainant

Dale McNeal
Printed Name of Complainant

Sworn to before me and signed in my presence,

October 4, 2010

Date

B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

B. Janice Ellington
Signature of Judicial Officer

AFFIDAVIT

On October 3, 2010, Border Patrol agents assigned immigration inspection duties at the Falfurrias, Texas Border Patrol encountered a blue colored Ford Expedition displaying Texas License plate number AG7-1333 as it approached the primary inspection area of the checkpoint. Agents conducted an immigration inspection of the driver, later identified as ZUNIGA, Marco Antonio. Agents asked ZUNIGA if he was a United States citizen, and he replied, "Yes". Agents asked the front passenger later identified as REED, Maricela if she was a United States Citizen and she replied "yes". Agents asked the passengers in the second row of the vehicle, later identified as LUNA, Luby Janet and QUINTERO, Albert if they were United States Citizens and both replied "yes". LUNA had a small baby with her that she stated was her daughter, Agents asked ZUNIGA, Evadio Alejandro who was seated in the third row of the vehicle if he was a United States citizen and he replied "yes". Agents asked ZUNIGA, Marco Antonio where they were traveling to and he replied "we are going to Corpus to take my cousin to the hospital he was in a motorcycle accident a while back". Agents could not see any other passengers seated in the vehicle.

At the same time agents were conducting their immigration inspection of the occupants, Border Patrol Agent Estrada was conducting a free air non-intrusive sniff of the vehicle. Agent Estrada advised his canine alerted to the vehicle and advised agents to send the vehicle to the secondary inspection area. Agents instructed ZUNIGA, Marco Antonio to park his vehicle in the secondary area of the checkpoint due to the fact the canine alerted to something within the vehicle.

Once in secondary, agents instructed ZUNIGA, Marco Antonio and the rest of the passengers to get out of the vehicle. While the occupants were getting out of the vehicle agents noticed there were two other occupants coming from the third row of the vehicle. Once all of the passengers were off of the vehicle agents advised Supervisory Border Patrol Agent Rafael Sanchez that they had not seen two of the passengers while in the primary inspection area. Supervisor Sanchez conducted an immigration inspection on the two individuals later identified as MENDEZ-Rivera, Luis Rolando and PONCE-Sanchez, Jose Ernesto. It was determined that both PONCE and MENDEZ were illegally present in the United States. All the individuals were escorted inside the checkpoint for processing.

Once inside the checkpoint ZUNIGA, Evadio Alejandro, ZUNIGA, Marco Antonio, REED, QUINTERO and LUNA were read and explained their Miranda rights and all voluntarily agreed to give a statement without the presence of an attorney.

After ZUNIGA, Marco Antonio the driver of the vehicle, stated everyone in the vehicle knew MENDEZ and PONCE were in the United States illegally. ZUNIGA, Marco Antonio stated he was going to be paid \$500.00 for transporting the illegal aliens by his uncle ZUNIGA, Saul. He also stated he has transported illegal aliens through our checkpoint on several occasions. He stated he always brings many people with him and then has one or two illegal aliens hiding in the rear of the vehicle. He stated he was told by his uncle ZUNIGA, Saul to go pick up two illegal aliens from a Motel 6 in Sharyland.

His uncle ZUNIGA, Saul calls him once they have passed the checkpoint and then tells him where to drop off the illegal aliens in Falfurrias, Texas. ZUNIGA, Marco Antonio stated before they arrived at the checkpoint his brother ZUNIGA, Evadio Alejandro who was seated in the third row of the vehicle told MENDEZ and PONCE to lie down on the floor behind the second row of seats. He stated everyone in the vehicle told MENDEZ and PONCE not to move or speak and then ZUNIGA, Evadio Alejandro placed a blanket over MENDEZ and PONCE.

After REED stated she was picked up by ZUNIGA, Evadio Alejandro, ZUNIGA, Marco Antonio, QUINTERO and LUNA and two other individuals. REED stated she was only accompanying them to Corpus Christi to take her nephew QUINTERO to the hospital. REED stated she thought the two individuals in the third row of the vehicle were friends of one of her nephews and she did not know their names. REED also stated she slept before they arrived at the checkpoint. REED stated she was not aware MENDEZ and PONCE were illegal aliens.

LUNA stated she was invited by REED to take QUINTERO to see a doctor in Corpus Christi. LUNA stated when she was picked up by ZUNIGA, Marco Antonio she asked REED who were the two individuals in the back of the vehicle. LUNA stated REED told her they were friends. LUNA stated she fell asleep on the drive up to the checkpoint and awoke just before reaching the checkpoint. LUNA stated right before they reached the primary inspection area she noticed the two individuals in the back whom she did not know lay down on the floor behind her seat. LUNA stated she didn't know why they were laying down.

ZUNIGA, Evadio Alejandro stated he was told by his aunt to take a friend of theirs to Corpus Christi because he was going to a hospital for a head injury. ZUNIGA, Evadio Alejandro stated he was picked up by his brother around 10:30 A.M. and there were a total of five people in the car. ZUNIGA, Evadio Alejandro stated he sat in the third row of the vehicle. ZUNIGA, Evadio Alejandro claims they did not stop anywhere to pick up the illegal aliens and also stated he was the last person to get in the vehicle. ZUNIGA, Evadio Alejandro stated he had previously seen the two illegal aliens around his neighborhood and stated the aliens lived with LUNA's parents.

QUINTERO stated he was going to go to Corpus Christi to do a follow up with the injuries he had sustained from a motorcycle accident. He stated he was picked up in the morning by ZUNIGA, Evadio Alejandro, ZUNIGA, Marco Antonio, REED and LUNA. QUINTERO stated he was drowsy and sleepy in the morning and that he did not notice anyone else in the vehicle when he got in. QUINTERO also stated he slept during the drive before they reached the checkpoint. QUINTERO stated he became aware of the two individuals in the back when they were asked to get out of the vehicle at the Border Patrol Checkpoint.

Inside the checkpoint MENDEZ-Rivera, Luis Rolando and PONCE-Sanchez, Jose Ernesto were read and explained their Miranda rights in their preferred language of

Spanish. They both stated they understood their rights and voluntarily agreed to give a statement without the presence of an attorney.

MENDEZ stated that once he crossed into the United States illegally he stayed at a Motel 6 for about twenty two days. MENDEZ stated he went to a nearby store to get a burger and then asked a man for a ride to Houston, Texas. MENDEZ stated the man that agreed to give him a ride to Houston, Texas was the same man who was driving when they were apprehended at the Border Patrol Checkpoint.

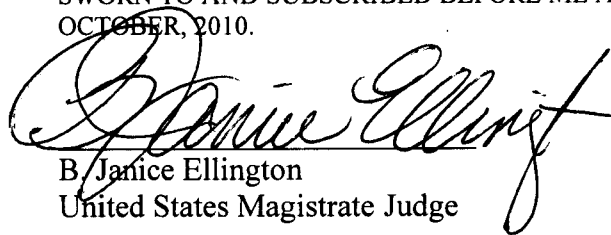
PONCE stated once he entered the United States illegally he walked around and slept under bridges for three days. PONCE stated he then asked some people outside of a store in McAllen, Texas for a ride to San Marcos, Texas. PONCE stated they agreed to give him a ride and he did not have to pay them for a ride to San Marcos. PONCE also stated that when he got in the vehicle everyone was already seated in the vehicle. PONCE stated he did not think anyone knew he was illegally present in the United States. PONCE also stated when they arrived at the Border Patrol Checkpoint he got out of the vehicle because everyone was also exiting the vehicle.

Assistant U.S. Attorney Hugo Martinez was notified of the aforementioned and accepted prosecution on the above-mentioned individuals for violating Title 8 USC 1324.



Dale McNeal
Senior Special Agent
Homeland Security Investigations

SWORN TO AND SUBSCRIBED BEFORE ME AND PROBABLE CAUSE FOUND THIS 4th DAY of
OCTOBER, 2010.



B. Janice Ellington
United States Magistrate Judge